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1 2 3 4 **E-FILED on** 9/24/07 5 6 7 8 IN THE UNITED STATES DISTRICT COURT 9 FOR THE NORTHERN DISTRICT OF CALIFORNIA 10 SAN JOSE DIVISION 11 12 COMPUTER CACHE COHERENCY No. C-05-01668 RMW CORPORATION, 13 Plaintiff, ORDER DENYING MOTION TO STRIKE 14 EXPERT REPORT OF MICHEL DUBOIS RE: v. PLAINTIFF'S OPPOSITION TO VIA'S 15 MOTION FOR SUMMARY JUDGMENT OF VIA TECHNOLOGIES, INC. and VIA NON-INFRINGEMENT AND INVALIDITY 16 TECHNOLOGIES, INC. (USA), [Re Docket No. 177] 17 Defendants. 18 COMPUTER CACHE COHERENCY No. C-05-01766 RMW 19 CORPORATION, 20 Plaintiff. ORDER DENYING MOTION TO STRIKE 21 EXPERT REPORT OF MICHEL DUBOIS RE: v. PLAINTIFF'S OPPOSITION TO INTEL'S 22 MOTION FOR SUMMARY JUDGMENT OF INTEL CORPORATION, NON-INFRINGEMENT AND INVALIDITY 23 [Re Docket No. 122] Defendant. 24 25 26 In both above-captioned cases, defendants Via and Intel separately moved to strike the expert 27 report of Dr. Michel Dubois submitted in support of plaintiff Computer Cache Coherency 28 Corporation's ("CCCC") opposition to each defendant's motion for summary judgment of non-

ORDER DENYING MOTION TO STRIKE EXPERT REPORT OF MICHEL DUBOIS—No. C-05-01668 RMW: 05-01766 RMW

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United States District Court
For the Northern District of California

DATED:

9/21/07

1	infringement and invalidity. Both defendants argued that the court should strike Dr. Dubois's expert
2	report because it was unsworn. CCCC opposed each defendant's motion to strike Dubois's report.
3	In its oppositions, CCCC pointed out that it had filed a declaration by Dr. Dubois attesting under
1	oath that the facts and opinions contained in his expert reports are accurate, true, and correct,
5	including the disputed declaration. Neither defendant filed a reply to CCCC's opposition.
5	Accordingly, because the court is satisfied that Dr. Dubois has made the requisite attestation under
7	oath, the court denies each defendant's motion to strike the disputed expert reports.
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RONALD M. WHYTE
United States District Judge

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16	<b>Dated:</b> 9/24/07	/s/ MAG Chambers of Judge Whyte	
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